



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

LIN and NGUYEN

Serial No.: 10/052,621

Filed: January 17, 2002

Atty. File No.: 3123-297

For: "STORAGE MEDIA WITH NON-
UNIFORM PROPERTIES"

Commissioner for Patents
P.O. Box
Alexandria, VA 22313-1450

) Group Art Unit: 1773

) Examiner: Kevin M. Bernatz

) DECLARATION OF THAO NGUYEN
) UNDER 37 CFR § 1.132

"EXPRESS MAIL" MAILING LABEL NUMBER: EV31080310925US
DATE OF DEPOSIT: 4-16-2004

I HEREBY CERTIFY THAT THIS WITH THE UNITED STATES
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INDICATED ABOVE AND IS ADDRESSED TO THE ASSISTANT
COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

TYPED OR PRINTED NAME: Amy Duarte

SIGNATURE: Amy Duarte

Dear Sir:

I, Thao Nguyen, being over the age of eighteen, declare as follows:

1. I am the Vice President of Advanced Technology and Heads/Media at Maxtor Corporation, a position I have held since April of 2002. Previous to that position, I have held other senior positions at Maxtor Corporation, since joining Maxtor Corporation in 1998. I am a co-inventor of the above-referenced patent application which is assigned to Maxtor Corporation. I receive compensation from Maxtor.

2. I received a B.A. in Mathematics and Physics from Boston College in 1981, and was elected to *Phi Beta Kappa*. I received my Ph.D in Materials Science and Engineering from the Massachusetts Institute of Technology in 1987. From 1987 until present, I have worked in the field of head/disk interface technologies, recording materials, recording media and heads. I am a co-author of 15 scientific papers. I have been awarded at least seventeen (17) U.S. patents,

and have numerous patent applications on file, for various aspects of subjects related to disk and recording technology. I subscribe to and analyze various magazines and journals, which discuss advances in the art of head/disk interface technologies, materials science, and storage media.

3. As noted previously, I am a co-inventor of the above-referenced patent application and familiar with the application. This Declaration is being submitted in connection with patent prosecution activities for the above-referenced patent application.

4. My education, research and work history, at a minimum, qualify me as one of ordinary skill in the art of storage media.

5. The following statements in Paragraphs 6 through 8 are made with reference to the level of ordinary skill in the art at the time of filing of the patent application, namely January 17, 2002.

6. In an Amendment and Response mailed September 23, 2003, Applicants amended both the Specification and certain claims to change the recited magnetic remanence range from "about 100 to about 600 memu/cm³" to "about 100 to about 600 emu/cm³". In the Examiner's December 16, 2003 Office Action, the Examiner rejected the amendment contending that Applicants' amendment introduced new matter. While the Examiner acknowledged that the discrepancy in the disclosed Mr, t, and Mr*t values may have resulted from the improper use of "memu" versus "emu," the discrepancy allegedly could also have resulted from improper numerical values reported for any one of the three variables. More specifically, the Examiner stated that there is no evidence that the error necessarily resulted from mistaken units, and only the mistaken units.

7. As a person of ordinary skill in the art to which this invention pertains, I believe that it would be obvious to one of ordinary skill in the art that the stated unit for magnetic

remanence, and not the stated numerical range(s) for Mr, t, and/or Mr*t, is incorrect. First, the numerical values stated in the application are 1×10^3 less than what one of ordinary skill in the art would expect for the unit memu/cm³. In my experience, the normal magnetic storage media operating range for magnetic remanence is about 100 to 600 emu/cm³ or 100,000 to 600,000 memu/cm³. This is quantitatively the same as the numerical range for magnetic remanence as stated in the Specification at pages 14, lines 16-18. Therefore, it is obvious to me and would be obvious to one of ordinary skill in the art that the unit and not the numerical range was improper. Second, the units memu/cm³ are rarely, if ever, used by those of ordinary skill in the art of magnetic storage media to quantify magnetic remanence. Third, one of ordinary skill in the art would understand that the numerical ranges and units for Mr*t and magnetic layer thickness as disclosed at page 14, line 20, to page 15, line 7, of the Specification are well within the normal operational ranges for these parameters. Accordingly, one of ordinary skill in the art would understand the error solely to be due to the use of the incorrect units for magnetic remanence.

8. For these and other reasons, I submit that the amendment to the specification, changing memu/cm³ to emu/cm³, does not add new matter to the specification because one of ordinary skill in the art would have understood the units to be properly emu/cm³ and not memu/cm³.

9. I hereby declare that all statements made herein of my own are true and all statements made on information and belief are believed to be true; and further, that the statements were made with the knowledge that willful false statements and the like, if so made, are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the subject application or any patent issuing thereon.

Date: April, 15, 2004

By: Thao Nguyen
Thao Nguyen

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